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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
OLSEN, KAJ K

ART UNIT	PAPER NUMBER
1795	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. The claims remain rejected over the prior art for the reasons set forth in the previous final rejection.

Response to Arguments

2. Applicant's arguments filed 8-19-2008 have been fully considered but they are not persuasive. Applicant urges that Charlton is drawn to the placement of the hydrophilic polymer on a layer over the electrode and does not suggest placing the hydrophilic polymer in the actual conductive ink. However, the purpose of the polymer of Charlton is to facilitate the hydration of the aqueous sample to the enzyme. To do this, Charlton mixes the polymer with the enzyme so that it is intermixed with the enzyme itself. See col. 1, ll. 51-59 and col. 2, ll. 58-60. Hence, one possessing ordinary skill in the art would recognize that the hydrophilic polymer should be located where the actual enzyme is so that the enzyme that needs to be hydrated with the sample gets hydrated. If the polymer is located in some other layer or is not intermixed with the enzyme, the polymer would not facilitate the wicking of fluid to the enzyme. For Charlton, the enzyme is placed over the electrode so the polymer is also placed over the electrode as well. For Say however, the enzyme is incorporated into the conductive ink itself. Hence one possessing ordinary skill in the art would recognize that the polymer should be incorporated into the ink itself if it is to facilitate the hydration of the enzyme with the analyte.

3. Applicant's remaining arguments appear to rely on the perceived failings of the earlier Say and Charlton. Because that earlier argument was not persuasive (see above), these further arguments are also unpersuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAJ K. OLSEN whose telephone number is (571)272-1344. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaj K Olsen/
Primary Examiner, Art Unit 1795
September 6, 2008